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ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

Note verbale dated 2 December 1994 from the Permanent Mission of the Netherlands to the United Nations (Vienna) addressed to the United Nations Office at Vienna

The Permanent Mission of the Kingdom of the Netherlands to the United Nations (Vienna) presents its compliments to the United Nations Office at Vienna and has the honour to submit a draft resolution on the Standard Minimum Rules for the Treatment of Prisoners for submission to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders under item 4 of the provisional agenda.

The Permanent Mission of the Kingdom of the Netherlands to the United Nations (Vienna) avails itself of this opportunity to renew to the United Nations Office at Vienna the assurances of its high consideration.

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DRAFT RESOLUTION

Practical implementation of the Standard Minimum Rules for the Treatment of Prisoners

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice systems in general and prison systems in particular,

Recognizing that the Standard Minimum Rules for the Treatment of Prisoners,[1] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, are of paramount importance to the development of penal policies and practices,

Considering the concern of previous United Nations congresses on the prevention of crime and the treatment of offenders regarding the various obstacles that prevent the full implementation of the Standard Minimum Rules,

Recalling the resolutions of previous congresses on the position of prisoners, in particular the resolution on the status of prisoners[2] and the resolution on human rights for prisoners,[3] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and General Assembly resolution 45/111 of 14 December 1990, on the Basic Principles for the Treatment of Prisoners, adopted on the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling Economic and Social Council resolution 1994/18 of 25 July 1994, on United Nations standards and norms in crime prevention and criminal justice, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice, in which the Council endorsed the questionnaire on the Standard Minimum Rules for the Treatment of Prisoners,

Stressing the importance of the international exchange and dissemination of information and views on the practical operation of prison systems, not only among Governments but also among professional organizations, scientific institutions, non-governmental organizations and the public at large,

Being aware of the need to make prison administrations respond to forms of political control and judicial or other supervision,

Believing that the full implementation of the Standard Minimum Rules for the Treatment of Prisoners would be further facilitated by making widely available to the prison administrations of Member States a practical manual on the interpretation and application of the Standard Minimum Rules,

Taking note with appreciation of the work that has been carried out by Penal Reform International to that end in preparing a manual entitled *Making Standards Work*,

1. *Invites* Member States:

(a) To respond, if they have not yet done so, as a matter of urgency to the questionnaire on the Standard Minimum Rules for the Treatment of Prisoners;

(b) To exchange views on improving prison conditions and to strengthen their cooperation in that area;

(c) To share information regarding practical conditions in penal institutions with the public at large and with relevant non-governmental organizations in particular;

(d) To stimulate and support studies of prison systems undertaken by the academic world and by non-governmental organizations;

(e) To enhance transparency in prison systems and their functioning by providing ways and means of monitoring them by independent bodies, such as judicial supervision or parliamentary control, independent complaint commissions or an ombudsman;

2. *Invites* the Commission on Crime Prevention and Criminal Justice to keep the matter of prison conditions under regular review and, in particular, recommends that the open-ended in-sessional working group on United Nations standards and norms in crime prevention and criminal justice should establish, at the fourth session of the Commission, efficient monitoring mechanisms to that end;

3. *Welcomes* the initiative taken by Penal Reform International in preparing the manual entitled *Making Standards Work*, thereby providing a useful practical instrument to help those working daily with prisoners, including the prison management, to observe international standards;

4. *Requests* the Secretary-General to make the manual amply available to all interested Member States in the official languages of the United Nations, as a joint publication of the United Nations and Penal Reform International;

5. *Recommends* the Commission on Crime Prevention and Criminal Justice to keep under review the practical impact and utility of the manual as perceived by Member States.

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[1]See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1), sect. G.

[2]See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.10.

[3]Ibid., sect. E.17.